

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Kevin Rocheville

*

*

Civil Action No. _____

*

v.

*

JURY TRIAL DEMANDED

Thomas Goulden, Matthew Keenlside,

*

Brian McCarthy, Joseph O’Roark,

*

Michael McCall, Allison Caprigno,

*

Jody Harris-Stern, John Does,

*

Jane Does, and Town of Pelham, NH

*

NOTICE OF REMOVAL

NOW COME Defendants Thomas Goulden, Matthew Keenlside, Brian McCarthy, Joseph O’Roark, Michael McCall, Allison Caprigno, and Town of Pelham and respectfully submit this Notice of Removal and state the following:

1. Plaintiff commenced a state court action entitled *Kevin Rocheville v. Thomas Goulden, et al*, Hillsborough County Superior Court, Southern District, Docket No. 226-2019-CV-00693, through service upon the Defendants. A true and accurate copy of the Complaint is attached hereto as Exhibit A.

2. This civil action is removable under 28 U.S.C. § 1441(a) because Plaintiff alleges violations of federal law against Defendants, *specifically, under 42 U.S.C. § 1983, for alleged violation of the Plaintiff’s First, Fourth, Fifth and Fourteenth Amendment rights* See Complaint Counts One, Two, and Three (¶¶ 44-68).

3. This civil action may also be removable under 28 U.S.C. § 1441(c) because Plaintiff alleges violations of federal law against certain Defendants and also alleges state law claims that may or may not be considered “so related to claims in the action within such original

jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367.

4. The United States District Court for the District of New Hampshire has proper subject matter jurisdiction over, and is the proper venue for, all claims in this action.

5. The time for removal has not expired, as Defendants are each believed to have been properly served in this matter on or after October 21, 2019.

6. A copy of this notice of removal has been sent to Plaintiff (Exhibit B) and to the Hillsborough County Superior Court, Southern District (Exhibit C).

7. A Civil Cover Sheet is filed herewith (Exhibit D).

8. Undersigned counsel represents each Defendant identified in this Notice of Removal. Each such Defendant consents to the removal of this action. Defendants against whom Plaintiff has asserted federal claims consent to removal.

9. Other defendants Plaintiff has named in this action, including Jodi Harris-Stern, John Does, and Jane Does, are either nominal parties or parties not yet properly subject to the jurisdiction of the State court, and whose consent to removal is not required.

Respectfully submitted,

**THOMAS GOULDEN, MATTHEW KEENLISIDE,
BRIAN MCCARTHY, JOSEPH O'ROARK,
MICHAEL MCCALL, ALLISON CAPRIGNO, and
TOWN OF PELHAM**

By their Attorneys,

CULLENCOLLIMORE, PLLC

Dated: November 19, 2019

By: /s/ Brian J.S. Cullen

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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record

Dated: November 19, 2019

/s/ Brian J.S. Cullen

Brian J.S. Cullen